

sooner withdrawn or replaced by permanent recognition upon appointment as a reserve officer in the same grade, it terminates six months after its effective date.

(b) To be eligible for temporary Federal recognition under subsection (a), a person must take an oath that during the period of temporary recognition he will perform his Federal duties as if he had been appointed as a reserve officer of the Army or the Air Force, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 603.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
308(a)	50:1114 (less 2d and 3d sentences).	July 9, 1952, ch. 608, § 704 (less 2d sentence), 66 Stat. 502.
308(b).	50:1114 (3d sentence).	

In subsection (a), the words “by regulations” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “as an officer of the Army National Guard to any person” are substituted for the words “to any officer of the National Guard or Air National Guard”. The second sentence is inserted for clarity. The words “successfully”, “final determination of his eligibility for, and”, “in the grade concerned”, and “automatically” are omitted as surplusage. 50:1114 (proviso of last sentence) is omitted as surplusage.

In subsection (b), the words “To be eligible for temporary Federal recognition under subsection (a), a person” are substituted for the words “However, a temporary extension of Federal recognition shall be granted only when the officer”. The words “the period of temporary recognition” are substituted for the words “such recognition”. The words “and obligations required of him” and “in the same grade” are omitted as surplusage.

§ 309. Federal recognition of officers: Army National Guard; officers promoted to fill vacancies

Each officer of the Army National Guard who is promoted to fill a vacancy in a federally recognized unit thereof, and who is eligible for promotion under section 3363(b) of title 10, shall be examined for Federal recognition in the grade to which he is promoted. However, a second lieutenant or first lieutenant of the Army National Guard who has served creditably for at least one year in a position prescribed to be filled by a captain, and who has not previously been federally recognized under this section, may be examined for Federal recognition in the next higher grade without regard to section 3363(b) of title 10.

(Added Pub. L. 85-861, § 2(7), Sept. 2, 1958, 72 Stat. 1543; amended Pub. L. 103-337, div. A, title XVI, § 1630(1), Oct. 5, 1994, 108 Stat. 2963.)

AMENDMENT OF SECTION

Pub. L. 103-337, div. A, title XVI, §§ 1630(1), 1691(b)(1), Oct. 5, 1994, 108 Stat. 2963, 3026, provided that, effective Oct. 1, 1996, this section is amended to read as follows:

§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on

the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
309	50:1251.	Sept. 3, 1954, ch. 1257, § 319, 68 Stat. 1160.

The words “authorized under section 1227(a) of this title” are omitted as surplusage.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 310 of this title; title 10 sections 3363, 3385.

§ 310. Federal recognition of officers: Army National Guard; automatic recognition

(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the Army National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade of first lieutenant, effective as of the date on which he completes three years of service computed under section 3360(a) of title 10.

(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the Army National Guard to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade in which he is so appointed in the Army National Guard, if he has been recommended for promotion to the grade concerned under section 3366, 3367, 3370, or 3383 of title 10 and has remained in an active status since he was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the Army National Guard.

(Added Pub. L. 85-861, § 2(7), Sept. 2, 1958, 72 Stat. 1544; amended Pub. L. 103-337, div. A, title XVI, § 1630(1), Oct. 5, 1994, 108 Stat. 2964.)

AMENDMENT OF SECTION

Pub. L. 103-337, div. A, title XVI, §§ 1630(1), 1691(b)(1), Oct. 5, 1994, 108 Stat. 2964, 3026, provided that, effective Oct. 1, 1996, this section is amended to read as follows:

§ 310. Federal recognition of National Guard officers: automatic recognition

(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer